

Senate File 505 - Enrolled

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SENATE FILE 505

AN ACT

RELATING TO CIVIL LIABILITY FOR DAMAGES RELATING TO THE USE OF
AN AUTOMATED EXTERNAL DEFIBRILLATOR IN SUDDEN CARDIAC ARREST
EMERGENCIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 613.17, Code 2007, is amended to read
as follows:

613.17 EMERGENCY ASSISTANCE IN AN ACCIDENT.

1. A person, who in good faith renders emergency care or
assistance without compensation, shall not be liable for any
civil damages for acts or omissions occurring at the place of
an emergency or accident or while the person is in transit to
or from the emergency or accident or while the person is at or
being moved to or from an emergency shelter unless such acts
or omissions constitute recklessness or willful and wanton
misconduct.

a. For purposes of this ~~section subsection~~, if a volunteer
fire fighter, a volunteer operator or attendant of an
ambulance or rescue squad service, a volunteer paramedic, a
volunteer emergency medical technician, or a volunteer
registered member of the national ski patrol system receives
nominal compensation not based upon the value of the services
performed, that person shall be considered to be receiving no
compensation.

b. ~~The For purposes of this subsection~~, operation of a
motor vehicle in compliance with section 321.231 by a
volunteer fire fighter, volunteer operator, or attendant of an
ambulance or rescue squad service, a volunteer paramedic, or
volunteer emergency medical technician shall be considered
rendering emergency care or assistance ~~for purposes of this~~
~~section~~.

c. For purposes of this ~~section subsection~~, a person
rendering emergency care or assistance includes a person
involved in a workplace rescue arising out of an emergency or
accident.

2. ~~The following persons or entities, while acting~~
~~reasonably and in good faith, who render emergency care or~~
~~assistance relating to the preparation for and response to a~~
~~sudden cardiac arrest emergency, shall not be liable for any~~
~~civil damages for acts or omissions arising out of the use of~~
~~an automated external defibrillator, whether occurring at the~~
~~place of an emergency or accident or while such persons are in~~
~~transit to or from the emergency or accident or while such~~
~~persons are at or being moved to or from an emergency shelter:~~

a. ~~A person or entity that acquires an automated external~~
~~defibrillator.~~

b. ~~A person or entity that owns, manages, or is otherwise~~
~~responsible for the premises on which an automated external~~
~~defibrillator is located if the person or entity maintains the~~
~~automated external defibrillator in a condition for immediate~~
~~and effective use at all times, subject to standards developed~~
~~by the department of public health by rule.~~

c. ~~A person who retrieves an automated external~~
~~defibrillator in response to a perceived sudden cardiac arrest~~
~~emergency.~~

d. ~~A person who uses, attempts to use, or fails to use an~~
~~automated external defibrillator in response to a perceived~~
~~sudden cardiac arrest emergency.~~

e. ~~A person or entity that provides instruction in the use~~
~~of an automated external defibrillator.~~

JOHN P. KIBBIE
President of the Senate

PATRICK J. MURPHY

Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 505, Eighty-second General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2008

CHESTER J. CULVER
Governor